

Amendment No. 1 to SB2085

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 2085\***

**House Bill No. 2059**

By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as new sections:

8-6-113.

(a) In addition to the method used by the attorney general and reporter to determine whether it is in the best interests of the state to commence a civil suit on behalf of the state, the attorney general shall initiate such an action if the following occur:

(1) A joint resolution adopted by a constitutional majority of both the Senate and House of Representatives, if the general assembly is in session, directing the attorney general and reporter to do so. In such resolution the general assembly may invoke the provisions of § 8-6-114 and call for the employment of outside counsel to initiate and prosecute the action;

(2) Joint agreement of the speaker of the senate and the speaker of the house of representatives, if the general assembly is not in session, that the attorney general is to initiate the action, as evidenced by a written document signed by both speakers; or

(3) The governor, by executive order, directing the attorney general and reporter to initiate the action.

(b) If the attorney general and reporter has initiated a civil action on behalf of the state of Tennessee, the attorney general shall petition the court for the dismissal of the action or otherwise attempt to withdraw the state from further involvement in the action if:

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(1) A joint resolution adopted by a constitutional majority of both the senate and house of representatives directs the attorney general and reporter to petition to dismiss or withdraw from the action; and

(2) The governor by executive order directs the attorney general and reporter to petition to dismiss or withdraw from the action.

8-6-114.

(a) In addition to the instances set out in § 8-6-109(b)(15) and (e), the general assembly may employ outside counsel to advise them on matters for which outside counsel is deemed necessary and, when requested by a joint resolution under § 8-6-113(a) or otherwise, to initiate and prosecute a civil action on behalf of the state.

(b) To employ special counsel pursuant to this section, a joint resolution adopted by a constitutional majority of both the Senate and House of Representatives requesting the selection and employment of special counsel to advise on a specific issue is required. The resolution shall direct how to select the special counsel to be employed.

(c) The outside counsel selected shall be paid such compensation for services rendered as the speakers may approve and such compensation shall be paid out of any money in the state treasury not otherwise appropriated, upon the certification of the speakers to the commissioner of finance and administration.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.